

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-3, 5-9, 11 and 13-15 are currently pending in this application. Applicant appreciates that the Examiner pointed out typographical errors of Claims 2 and 11. In response, Claims 2 and 11 have been amended to correct the typographical errors. Claims 1 and 15 have also been amended to be in better form. No new matter has been introduced.

In the Office Action mailed March 4, 2008, Claims 1-3, 5-9, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 4,475,564 to Koester et al ("K-564") in view of U.S. Patent Publication No. 2002/0100659 to Carmichael ("Carmichael"), Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over K-564 in view of Official Notice, and Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over K-564 in view of U.S. Patent No. 4,650,057 to Koester et al. ("K-057"). It is noted that Claims 1, 2, 11, and 15 have been amended. To the extent that the grounds for rejection are still applied to the currently pending claims, they are respectfully traversed.

Claim 1, as amended, recites, among other things, that the support shafts are positioned at a substantially right under position of a fall position of the game medium falling toward the straddling member so that the game medium crosses a line passing through both support shafts.

The Office Action alleged that K-564 teaches support shafts, and "the support shafts formed on both side walls of the straddling member so as to outwardly project from the side walls are positioned at a substantially right under position of a fall position of the game

medium falling from the straddling member," as recited in Claim 1. The Office Action further alleged that Fig. 1 of K-564 shows the diverter located directly under the coin entry shaft and directly above both return and hopper feed shafts so as to use gravity as the coin propulsion method. (See Office Action, page 3, lines 19-23). Applicants respectfully disagree.

Fig. 1 of K-564 shows a conventional coin holding apparatus that consists of: coin entry 11, coin acceptor assembly 10 (slug rejector which gets rid of a coin of primarily not good to be used for payout and ejects proper coins to coin tray 18), coin diverter assembly 12, coin storage chamber 14, hopper payout assembly 16, and coin tray 18. In such coin holding apparatus, a coin is guided to coin storage chamber 14 through chute 15, instead of being guided from chute 19 to hopper 16, by switching coin diverter 12 with switch 22 when hopper 16 is full. Once it is detected that coins in hopper 16 has decreased, the switch 22 switches coin diverter 12 to guide the coins to hopper 16 from chute 19.

The Office Action alleged that the diverter 12 of Fig. 1 of K-564 is equivalent to the straddling device of Claim 1 and the solenoid 32 is the driving device for rotating the straddling member. The divider 12, however, is not equivalent to the straddling member of Claim 1. As recited in Claim 1, a retaining member is installed adjacent to a game medium guide member in the frame that is on a rear side of a door and support shafts are formed on both side walls of the straddling member so as to outwardly project from the side walls. Further, the support shafts are rotatably supported in the retaining member. That is, the straddling member is rotatably supported in the retaining member and is supported on the rear side of the door. On the contrary, the diverter 12 or 25 disclosed in K-564 is not supported by any retaining member or a rear side of door.

Indeed, K-564 fails to teach or suggest how the divider 12 works and the detailed structure thereof. Therefore, it is impossible to figure out whether shafts are included in the divider 12, as alleged in the Office Action.

Accordingly, the assertions that K-564 includes the support shafts that are positioned at a substantially right under position of a fall position of the game medium falling toward the straddling member are groundless. Furthermore, the Office Action seems to consider pivots 39 of Fig. 4 of K-564 as being support shafts that rotate the hopper 20 of Fig. 3 to various positions. In such case, the Office Action should refer to the embodiment shown in Fig. 2, rather than Fig. 1. However, neither Fig. 1 nor Fig. 2 teaches that “support shafts formed on both side walls of the straddling member”, the “retaining member is installed adjacent to a game medium guide member in the frame that is on a rear side of a door and support shafts are formed on both side walls of the straddling member so as to outwardly project from the side walls,” and “the support shafts are rotatably supported in the retaining member,” as recited in amended Claim 1. K-564 also fails to teach or suggest that the support shafts are positioned at a substantially right under position of a fall position of the game medium falling toward the straddling member so that the game medium crosses a line passing through both support shafts, as recited in amended Claim 1.

The Examiner relied on Carmichael that discloses a door to support the obviousness rejection of Claim 1. Applicant respectfully submits that although Carmichael shows a door arranged in front of the cabinet so as to be able to open and close, a frame arranged at a rear side of the door, and a game medium guide member arranged in the frame, there is no disclosure of a straddling device and support shafts and their relationship in Carmichael as recited in Claim 1. Accordingly, neither K-564 nor Carmichael, when taken singly or in

combination thereof, teaches or suggest each and every element of Claim 1. Therefore, it would not have been obvious for one skilled in the art to combine these references to achieve the gaming machine of amended Claim 1. Amended Claim 1 is thus allowable over the cited art.

## **2. Patentability Analysis on Independent Claims**

Claim 15, as amended, recites, among other things, a retaining member arranged in the cabinet, a straddling member rotatably supported in the retaining member, the straddling member having a tubular guiding part for guiding the game medium to the game medium accumulating part and a pair of side walls outwardly projected from an outer wall of the tubular guiding part, wherein the tubular guiding part of the straddling member opposes to an opening of the second guide path (such as element 24) and closes an opening of the third guide path (such as element 31) thereby the game medium is straddled to the game medium accumulating part through the first guide path (such as element 55A), the tubular guiding part and the second guide path, and the tubular guiding part of the straddling member closes the opening of the second guide path (such as element 24) . . . , thereby the game medium is straddled to the game medium paying out part through the first guide path (such as 55A), a space formed by a surface of the retaining member, the pair of side walls and the outer wall of the tubular guiding part and third guide path (such as 31 ) (Fig. 7).

As to the rejection of Claim 15, the Examiner asserted that K-564 discloses every limitation except the tubular guide part but alleged that K-057 teaches tubular guiding part for guiding the game medium to the game medium accumulating part of Claim 15 and it would have been obvious for one of ordinary skill in the art to make the diverter tubular for the purpose of attaching the coin sensing device. Applicant respectfully disagrees.

The diverter unit 14 disclosed in K-057 includes basic body provided with side walls 26, 28 and central wall 30. Various types of inserts 40 corresponding to various sizes of coins to be used are attached removably to the basic body. For example, the insert 40 in the position shown in Fig. 4 of K-057 is used for containing fifty-cent coins. As shown in Figs. 8 and 9, the diverter unit 14 may be connected to a solenoid 38 so that diverter unit 14 is straddled to a drop bucket side with chute 80 (Fig. 8) or to a hopper side with chute 82, depending on a drive condition of solenoid 38.

Although it seems that K-057 includes a tubular shaped diverter, coins that drop into the tubular part have to be straddled through the inside of the tubular part to either the drop bucket or the hopper. In the structure disclosed in K-057, since the game mediums have to pass through the tubular part to enter the drop bucket or the hopper, a jam can be very easily caused in the tubular part. Further, the game mediums are likely to stay in tubular guiding part at the moment of being straddled.

On the other hand, in amended claim 15, game medium is straddled through tubular part of game straddling member when being straddled to game medium accumulating part, whereas game medium is straddled through a space formed of a surface of retaining member 56 of straddling member, a pair of side walls of tubular guiding part and the outer wall of the tubular guiding part when being straddled to game medium paying out part. That is, the entirety of the straddling device of amended Claim 15 can be used for straddling the game medium, such as the coins. Furthermore, as recited in amended Claim 15, not only the tubular guiding part but also both sides of straddling member can be used for straddling the game mediums. Therefore, according to amended Claim 15, it only requires a significantly

small angle of movement for solenoid to move the straddling member and thus, a large sized solenoid is not required.

Accordingly, it is respectfully submitted that neither K-564 nor K-057, when taken singly or in combinations, fails to teach or suggest at least the combination of features: the tubular guiding part of the straddling member opposes to an opening of the second guide path and closes an opening of the third guide path while the straddling member is retained to the first rotational position by the driving device, thereby the game medium is straddled to the game medium accumulating part through the first guide path, the tubular guiding part and the second guide path, and the tubular guiding part of the straddling member closes the opening of the second guide path while the straddling member is retained to the second rotational position by the driving device, thereby the game medium is straddled to the game medium paying out part through the first guide path, a space formed by a surface of the retaining member, the pair of side walls and the outer wall of the tubular guiding part, and the third guide path, as recited in amended Claim 15.

Accordingly, amended Claim 15 is allowable over K-564 in view of K-057.

In view of the foregoing, as amended Claims 1 and 15 are allowable, Claims 2-3, 5-9, 11, and 13-14 that depend on allowable Claim 1, are likewise allowable for the reasons stated above with respect to Claim 1 and additional features.

### CONCLUSION

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 1-3, 5-9, 11 and 13-15, and the prompt issuance of a Notice of Allowance are respectfully requested.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number 024016-00072.

Respectfully submitted,



Wan-Ching Montfort  
Registration No. 56,127

Customer No. 004372  
AREN'T FOX LLP  
1050 Connecticut Avenue, N.W.,  
Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

CMM/CYM